

Organic farm wins in drift case

By LEN RICHARDSON

A SANTA Cruz County jury has found that the unintended contamination of organic crops caused by pesticides evaporating after application violated the rights of an organic crop grower. The ruling is the result of a case filed in May 2007 by Jacobs Farm against pesticide application company Western Farm Service Inc.

The lawsuit claimed that Western Farm Service sprayed the toxic pesticides chlorpyrifos, diazinon and dimethoate on crops near Jacobs Farm, and that those chemicals contaminated the farm's organic dill, sage and rosemary.

Jacobs Farm/Del Cabo

Located on the coast south of San Francisco, Jacobs Farm, founded in 1980, grows an extensive line of certified organic culinary herbs and edible flowers. In 1986, the Del Cabo project was founded.

Through the teaching of organic growing practices, Jacobs Farm/Del Cabo ensures the best market return for the growers of Del Cabo, a cooperative of small family farms in Baja California. The Del Cabo label features basil, a unique assortment of cherry tomatoes and other certified organic produce.

Jacobs Farm has four farms in Northern California and combines its production with that of Del Cabo for year-round availability.

Jacobs Farm follows strict organic guidelines, which means it never uses toxic pesticides like organophosphates. Although the chemicals in question are legally used and closely regulated on some crops intended for human consumption, they are not permitted on culinary herbs or any organic crops. The trace presence of the pesticides made it impossible for Jacobs Farm to sell portions of its 2006 and 2007 harvests from its Wilder Ranch State Park farm.

\$1 million in damages

Jacobs Farm sought injunctive relief to stop the spraying that volatilized and contaminated crops at Wilder Ranch State Park, where it leases 120 acres. The farm also sought compensation for losses that resulted. The jury found that



COASTAL FARM: Jacobs Farm/Del Cabo leases 120 acres at Wilder Ranch State Park on the coast south of San Francisco. The grower of certified organic culinary herbs and edible flowers recently won a landmark court case regarding pesticide drift.

Key Points

- Court rules that pesticide drift violated organic farmer's rights.
- Jury verdict awarded Jacobs Farm \$1 million.
- Ruling sends a message to pesticide regulators.

Jacobs Farm was damaged in the sum of \$1 million, and Judge Robert Attack ordered judgment in that amount against Western Farm Service.

The court ruled that pesticide applications resulted in trespass of the pesticides onto Jacobs Farm and were legally determined to be a nuisance depriving Jacobs Farm of the right to use and enjoy the land.

The landmark ruling sends a message to the California Department of Pesticide Regulation that those pesticides that evaporate and move to non-target property via wind or fog need to be strictly regulated to prevent future property damage. Neither DPR nor the

U.S. Environmental Protection Agency specifically regulates this type of pesticide drift, although California regulations clearly prohibit off-site airborne pesticide movement that causes crop damage.

Case background

The farm first discovered trace residues of chlorpyrifos and diazinon in October 2006. Staff and management responded quickly by stopping harvest of affected crops. Jacobs Farm management contacted the county agriculture commissioner and DPR, requesting they intervene to prevent continued drift of these pesticides. Jacobs Farm also notified Western Farm Service. When initial outreach to regulators and the pesticide

applicator proved fruitless, Jacobs Farm brought suit.

"The scientific community's growing knowledge of how these chemicals move in the environment after application was not considered by pesticide applicators or government regulators," says Larry Jacobs, president of Jacobs Farm/Del Cabo.

"Regulations prohibiting the continued application of pesticides that damage crops on other farms are in place. But until now, these prohibitions did not apply to damage from pesticides when they evaporate after they are applied," Jacobs says.

With this ruling, Jacobs Farm will be able to continue farming at Wilder Ranch State Park and plans to expand.

News Net Briefs

Ag tire prices inflate

Effective Dec. 1, Michelin North America, Greenville, S.C., is raising prices by an average of 11% on Michelin and Kléber brand agricultural and compact line tires and tubes sold in the U.S. and Canada.



Antioxidant effects from eating almonds

Eating almonds decreased levels of two biomarkers for oxidative stress in a group of 27 volunteers with elevated cholesterol. The Agricultural Research Service study found that when the volunteers ate the full dose of almonds, their concentration of plasma malondialdehyde and urinary isoprostanes were lowered 19% and 27%, respectively.

Venture capitalists' confidence falls in China

For the third quarter of 2008, the China Venture Capitalist Confidence Index registered 3.25, the lowest in the index's 3.5-year history. This suggests that the global economic slowdown is straining venture capitalists' confidence in the entrepreneurial environment in China, reports University of San Francisco.

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